

EEOC Form 5 (11/09)

<b>CHARGE OF DISCRIMINATION</b>  This form is affected by the Privacy Act of 1974. See enclosed Privacy Act Statement and other information before completing this form.		Charge Presented To:      Agency(ies) Charge No(s):  <div style="display: flex; justify-content: space-between;"> <span>EEOC</span> <span><b>410-2022-04791</b></span> </div>	
and EEOC			
_____ <i>State or local Agency, if any</i>			

Name (indicate Mr., Ms., Mrs.) <b>Ms. Syurii-Kiaira Smith</b>	Home Phone <b>(470) 836-6886</b>	Year of Birth <b>1992</b>	
Street Address <b>505 Summerbrook Drive Dunwoody, GA 30350</b>			
Named is the Employer, Labor Organization, Employment Agency, Apprenticeship Committee, or State or Local Government Agency That I Believe Discriminated Against Me or Others. (If more than two, list under PARTICULARS below.)			
Name <b>Birge &amp; Held</b>	No. Employees, Members <b>501+ Employees</b>	Phone No. <b>(317) 419-6205</b>	
Street Address <b>10 Rimington Lane DECATUR, GA 30030</b>			
Name 	No. Employees, Members 	Phone No. 	
Street Address      City, State and ZIP Code 			
DISCRIMINATION BASED ON  <b>Race, Retaliation</b>		DATE(S) DISCRIMINATION TOOK PLACE  <div style="display: flex; justify-content: space-between;"> <div>           Earliest  <b>04/01/2022</b> </div> <div>           Latest  <b>06/08/2022</b> </div> </div>	
THE PARTICULARS ARE (If additional paper is needed, attach extra sheet(s)): <p>I. I was hired by the above-named employer in February 2022, as a Leasing Agent and my last position was Assistant Property Manager. In early April 2022, Josette Fryer, Property Manager, called me after work hours and proposed that I help her use the employers property to book events and charge vendors. She stated that we could split the profit. I told her I had to call her back. On April 14, 2022, I informed Tyler Miller, Regional Manager, about what Ms. Fryer proposed. He said he did not believe me, but that he would handle it. The next day Ms. Fryer let me know that I reported her to Mr. Miller. She began harassing me and micromanaging my work. On May 5, 2022, I emailed Sadie Flynn, Human Resources Representative, about what happened. On May 7, 2022, I had a call with Ms. Flynn, but nothing was done. On the same day, I observed Ms. Fryer interviewing someone for my position. On June 6, 2022, I emailed El Stewart, Corporate HR, to complain about Ms. Fryer and that I felt she singled me out due to my race. Around June 7, 2022, I found out that Ms. Fryer sent Glenna Peters, Leasing Agent, to my doctor's office to inquire about my medical condition. On June 8, 2022, Human Resources called to inform me that I was discharged. II. I was told that I was discharged for causing a major disturbance in front of a residence. III. I believe that I have been discriminated against due to my race (African American) and retaliated</p>			

I want this charge filed with both the EEOC and the State or local Agency, if any. I will advise the agencies if I change my address or phone number and I will cooperate fully with them in the processing of my charge in accordance with their procedures.	NOTARY – When necessary for State and Local Agency Requirements
I declare under penalty of perjury that the above is true and correct.  <b>Digitally Signed By: Ms. Syurii-Kiaira Smith</b>  <b>09/13/2022</b>  <div style="text-align: center;"><i>Charging Party Signature</i></div>	I swear or affirm that I have read the above charge and that it is true to the best of my knowledge, information and belief. SIGNATURE OF COMPLAINANT   SUBSCRIBED AND SWORN TO BEFORE ME THIS DATE (month, day, year)



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<p style="text-align: right;">and EEOC</p> <p style="text-align: center;">_____</p> <p style="text-align: center;"><i>State or local Agency, if any</i></p>	
<p>against for reporting unlawful employment actions in violation of Title VII of the Civil Rights Act of 1964, as amended. Furthermore, I believe that I have been discriminated against due to my disability in violation of Title I of the Americans with Disabilities Act of 1990, as amended.</p>	

<p>I want this charge filed with both the EEOC and the State or local Agency, if any. I will advise the agencies if I change my address or phone number and I will cooperate fully with them in the processing of my charge in accordance with their procedures.</p>	<p>NOTARY – <i>When necessary for State and Local Agency Requirements</i></p>
<p>I declare under penalty of perjury that the above is true and correct.</p> <p><b>Digitally Signed By: Ms. Syurii-Kiaira Smith</b></p> <p><b>09/13/2022</b></p> <p style="text-align: right;"><i>Charging Party Signature</i></p>	<p>I swear or affirm that I have read the above charge and that it is true to the best of my knowledge, information and belief.</p> <p>SIGNATURE OF COMPLAINANT</p> <p>SUBSCRIBED AND SWORN TO BEFORE ME THIS DATE (month, day, year)</p>



CP Enclosure with EEOC Form 5 (11/09)

**PRIVACY ACT STATEMENT:** Under the Privacy Act of 1974, Pub. Law 93-579, authority to request personal data and its uses are:

1. **FORM NUMBER/TITLE/DATE.** EEOC Form 5, Charge of Discrimination (11/09).
2. **AUTHORITY.** 42 U.S.C. 2000e-5(b), 29 U.S.C. 211, 29 U.S.C. 626, 42 U.S.C. 12117, 42 U.S.C. 2000ff-6.
3. **PRINCIPAL PURPOSES.** The purposes of a charge, taken on this form or otherwise reduced to writing (whether later recorded on this form or not) are, as applicable under the EEOC anti-discrimination statutes (EEOC statutes), to preserve private suit rights under the EEOC statutes, to invoke the EEOC's jurisdiction and, where dual-filing or referral arrangements exist, to begin state or local proceedings.
4. **ROUTINE USES.** This form is used to provide facts that may establish the existence of matters covered by the EEOC statutes (and as applicable, other federal, state or local laws). Information given will be used by staff to guide its mediation and investigation efforts and, as applicable, to determine, conciliate and litigate claims of unlawful discrimination. This form may be presented to or disclosed to other federal, state or local agencies as appropriate or necessary in carrying out EEOC's functions. A copy of this charge will ordinarily be sent to the respondent organization against which the charge is made.
5. **WHETHER DISCLOSURE IS MANDATORY; EFFECT OF NOT GIVING INFORMATION.** Charges must be reduced to writing and should identify the charging and responding parties and the actions or policies complained of. Without a written charge, EEOC will ordinarily not act on the complaint. Charges under Title VII, the ADA or GINA must be sworn to or affirmed (either by using this form or by presenting a notarized statement or unsworn declaration under penalty of perjury); charges under the ADEA should ordinarily be signed. Charges may be clarified or amplified later by amendment. It is not mandatory that this form be used to make a charge.

#### **NOTICE OF RIGHT TO REQUEST SUBSTANTIAL WEIGHT REVIEW**

Charges filed at a state or local Fair Employment Practices Agency (FEPA) that dual-files charges with EEOC will ordinarily be handled first by the FEPA. Some charges filed at EEOC may also be first handled by a FEPA under worksharing agreements. You will be told which agency will handle your charge. When the FEPA is the first to handle the charge, it will notify you of its final resolution of the matter. Then, if you wish EEOC to give Substantial Weight Review to the FEPA's final findings, you must ask us in writing to do so within 15 days of your receipt of its findings. Otherwise, we will ordinarily adopt the FEPA's finding and close our file on the charge.

#### **NOTICE OF NON-RETALIATION REQUIREMENTS**

Please **notify** EEOC or the state or local agency where you filed your charge **if retaliation is taken against you or others** who oppose discrimination or cooperate in any investigation or lawsuit concerning this charge. Under Section 704(a) of Title VII, Section 4(d) of the ADEA, Section 503(a) of the ADA and Section 207(f) of GINA, it is unlawful for an *employer* to discriminate against present or former employees or job applicants, for an *employment agency* to discriminate against anyone, or for a *union* to discriminate against its members or membership applicants, because they have opposed any practice made unlawful by the statutes, or because they have made a charge, testified, assisted, or participated in any manner in an investigation, proceeding, or hearing under the laws. The Equal Pay Act has similar provisions and Section 503(b) of the ADA prohibits coercion, intimidation, threats or interference with anyone for exercising or enjoying, or aiding or encouraging others in their exercise or enjoyment of, rights under the Act.

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